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14 WELLS FARGO BANK, N.A.; WELLS FARGO &  
COMPANY

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

18 MONTE RUSSELL and DANIEL  
19 FRIEDMAN, on behalf of themselves and  
20 others similarly situated,

21 Plaintiffs,

22 v.

23 WELLS FARGO AND COMPANY and  
WELLS FARGO BANK, N.A.,

24 Defendants.

CASE NO: C 07 3993 CW

JUDGE CLAUDIA WILKEN  
COURTROOM 2

**STIPULATION RE  
WITHDRAWAL OF CONSENT OF  
JEFF MILLER TO BECOME A  
PARTY PLAINTIFF;  
ORDER  
APPROVING WITHDRAWAL**

25  
26 Plaintiffs Monte Russell and Daniel Friedman (“Plaintiffs”) and Defendants  
27 Wells Fargo Bank, N.A., and Wells Fargo & Company (“Defendants”), through their  
28 respective counsel, hereby stipulate as follows:

1 WHEREAS, Jeff Miller, a putative collective action member, received notice of this  
2 action pursuant to this Court's order dated September 3, 2008, and signed a document  
3 entitled Consent to Join the FLSA Collective Action ("Consent Form") on September  
4 28, 2008, thereby giving his consent to become a party plaintiff in this action;

5  
6 WHEREAS, on October 17, 2008, Plaintiff filed a Notice of Filing Consent to  
7 Become a Party Plaintiff, which included Mr. Miller's Consent Form ("Notice")  
8 (ECF No. 66);

9  
10 WHEREAS, Jeff Miller wishes to withdraw his Consent Form; and

11  
12 WHEREAS, Defendants agree to the withdrawal of Mr. Miller's Consent Form;

13  
14 NOW, THEREFORE, through their respective counsel, THE PARTIES HEREBY  
15 STIPULATE AS FOLLOWS:

16  
17 1. Jeff Miller's Consent to Join the FLSA Collective Action is hereby  
18 withdrawn;

19  
20 2. Mr. Miller is no longer a party plaintiff to this action;

21  
22 3. Mr. Miller's rights shall be determined as though he never signed the  
23 Consent Form.

**LARSON KING, LLP  
T. JOSEPH SNODGRASS  
KELLY A. SWANSON**

DATED: February 26, 2010

By: /s/ T. Joseph Snodgrass  
T. JOSEPH SNODGRASS

Attorneys for Plaintiffs  
MONTE RUSSELL AND DANIEL FRIEDMAN

**HODEL BRIGGS WINTER LLP  
GLENN L. BRIGGS  
THERESA A. KADING**

DATED: February 26, 2010

By: /s/ Theresa A. Kading  
THERESA A. KADING

Attorneys for Defendants  
WELLS FARGO BANK, N.A.; WELLS FARGO  
& COMPANY

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED that:

1. Jeff Miller's Consent to Join the FLSA Collective Action is hereby withdrawn;
2. Mr. Miller is no longer a party plaintiff to this action;
3. Mr. Miller's rights shall be determined as though he never signed the Consent Form.

3/2

Dated: \_\_\_\_\_, 2010



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CLAUDIA WILKEN  
DISTRICT COURT JUDGE